

Notice of Allowability

Application No.

09/517,173

Examiner

Steven P Sax

Applicant(s)

ITOU ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE 6/15/05 and Amendment 2/15/05, as well as Examiner's Amendment 7/25/05.
2. ☒ The allowed claim(s) is/are 1-6,9-14 and 17-21.
3. ☒ The drawings filed on 02 March 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 7/25/05
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

STEVEN P. SAX
PRIMARY EXAMINER

Reasons for Allowance

1. The RCE filed 6/15/05 has been entered. Accordingly, the amendment filed 2/15/05 has been entered.

2. An examiner's amendment to the record appears below. This was made to correct a typographical error in claim 17, and to correct for the 101 issue regarding claim 19. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 17 line 22 at the end, please delete "I"

In claim 19 lines 1-2, please delete "A computer program embodied on a computer readable medium" and replace with "A physical computer readable storage medium having stored thereon computer readable program code means"

In claim 19 line 3 between "said" and "program" please delete "computer readable medium having computer readable"

3. Authorization for this examiner's amendment was given in a telephone interview with Mr. Carl Brundidge on 7/25/05.

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4. The following is an examiner's statement of reasons for allowance: The amendment filed 2/15/05, which was entered via the RCE filed 6/15/05, places the application into condition for allowance by adding to independent claims 1, 18, 19, 20, specifically "designating by a user a feature of a predetermined object to be detected in a frame image of the representative images," so that the image detection processing is performed on the predetermined object "based on (that) said feature." Independent claims 17 and 21 already sufficiently recite "... said object frame designating a part of a selected frame image which contains said predetermined object" such that the judgment is made based on the "image information of a region enclosed by said object frame." Thus all the independent claims now bring out how an object frame selection designates a feature of a predetermined object to be detected in a frame image of the representative images, with the image detection based on the feature from a series of frame images corresponding to the representative images. The features of the independent claims combined especially in the hierarchical structure of the representative images for editing a motion picture, are not set forth in the prior art of record. Furthermore, double patenting issues do not exist: the claims of the present invention distinguish even over the claims of Sumiyoshi et al at least because of the recitation of the manner in which the feature is designated and used for the basis of the image detection, as well as because of the recitation of the hierarchical structure.

Independent claims: 1 amended – the method. 17 amended – the method which changes the size and position of the object frame. 18 amended – the

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apparatus performing the method of claim 1 amended. 19 amended – the computer readable storage medium with program code means to perform the method of claim 1 amended. 20 amended – the method of displaying for editing a motion picture wherein the hierarchical structure based on the plurality of representative images is displayed. 21 amended – the method like claim 17 amended mentioning how each of the representative images represents a series of frame images forming the motion picture.

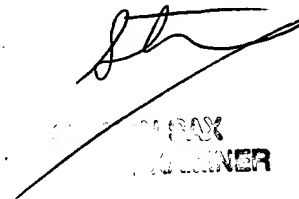
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink is written over a rectangular stamp. The stamp contains the word 'FAX' in a bold, sans-serif font, and below it, the word 'RECEIVED' in a smaller, bold, sans-serif font. The signature is a cursive-style name, possibly 'J. H. H. H.', written in black ink.